

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

# PCT

**Translation**

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

<div style="border: 1px solid black; width: 100%; height: 100%;"></div>		Date of mailing (day/month/year)
Applicant's or agent's file reference <b>563239</b>		<b>FOR FURTHER ACTION</b> See paragraph 2 below
International application No. <b>PCT/JP2004/005312</b>	International filing date (day/month/year) <b>14.04.2004</b>	Priority date (day/month/year) <b>18.04.2003</b>
International Patent Classification (IPC) or both national classification and IPC		
Applicant <b>SUMITOMO CHEMICAL COMPANY, LIMITED</b>		

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input checked="" type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/IP	Authorized officer
Facsimile No.	Telephone No.

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Box No. 1      Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language  
\_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
<b>1. Statement</b>			
Novelty (N)	Claims	4, 5, 7-9	YES
	Claims	1-3, 6	NO
Inventive step (IS)	Claims	4, 5, 8, 9	YES
	Claims	1-3, 6, 7	NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO
<b>2. Citations and explanations:</b>			
<p>Document 1: JP 11-349579 A (Ube Industries Ltd.) 21 December 1999, Claims, paragraphs 0009-0020</p> <p>Document 2: JP 6-37423 B2 (Nihon Jouryu Kogyo Co., Ltd.) 18 May 1994, Claims, column 4, line 25 to column 7, line 7</p> <p>The inventions described in claims 1 to 3 and 6 are described in documents 1 and 2 cited in the ISR and, therefore, do not appear to involve an inventive step or possess novelty. Documents 1 and 2 describe bringing a tungsten compound, a tertiary amine, hydrogen peroxide, and phosphoric acid into contact with each other.</p> <p>The invention described in claim 7 does not appear to involve an inventive step based on document 1 cited in the ISR. Document 1 describes bringing a tungsten compound, a tertiary amine, hydrogen peroxide, and phosphoric acid into contact with each other, bringing 1,5,9-cyclododecatriene and hydrogen peroxide into contact with each other, conducting monoepoxidation of 1,5,9-cyclododecatriene, and manufacturing epoxycyclododecatriene. Regulating the pH value would be easy for a person skilled in the art.</p> <p>The inventions described in claims 4, 5, 8, and 9 are not described in the documents cited in the ISR and are not obvious to a person skilled in the art.</p>			

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Box No. VI Certain documents cited

1. Certain published documents (Rule 43bis.1 and 70.10)

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
WO 03/066615 A1 [EX]	14.08.2003	31.01.2003	08.02.2002
JP 2004-167474 A [EX]	17.06.2004	26.09.2003	29.10.2002

2. Non-written disclosures (Rule 43bis.1 and 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)
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